

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JUNE 30, 2003

AMENDED IN ASSEMBLY MAY 14, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1468

Introduced by Assembly Member Pavley Kehoe
(Principal coauthor: Assembly Member Pavley)
(Coauthors: Assembly Members Goldberg, Levine, Lieber, and
Oropeza)
(Coauthor: Senator Kuehl)

February 21, 2003

~~An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality. An act to add Section 25370 to the Public Resources Code, relating to motor vehicle fuel conservation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1468, as amended, ~~Pavley Kehoe. Air quality: negative air machines~~ *California on the Move-Petroleum Demand Reduction Act.*

Existing law requires the State Energy Resources Conservation and Development Commission and the State Air Resources Board to implement and administer various laws governing motor vehicle fuel conservation and emission reduction in this state.

This bill would enact the California on the Move-Petroleum Demand Reduction Act, which would require the commission and the state

board, not later than January 1, 2010, to jointly adopt and implement measures to achieve a petroleum demand reduction goal that would limit on-road petroleum fuel demand to a level not exceeding 2004 demand levels, and maintain or reduce demand levels for the years from 2010 to 2020, inclusive, as provided. The bill would specify that the measures adopted and implemented by the commission and the state board shall not require the imposition by those agencies of any new or additional taxes on motor vehicles, petroleum fuel, or vehicle miles traveled. The bill would authorize the commission and the state board to work with other states, members of the United States Congress, and other federal agencies that are responsible for the administration and implementation of federal laws governing vehicle fuel economy to assist in the development of new standards and regulations designed to increase on-road light-duty vehicle fuel economy for new vehicles. The bill would require the commission and the state board, not later than January 1, 2008, to jointly prepare and submit to the Legislature a report containing specified information on the progress achieved in meeting the petroleum demand reduction goals prescribed in the act.

~~(1) Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, and, subject to the powers and duties of the state board, requires that districts adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction.~~

~~This bill would require each negative air machine, as defined, at an asbestos abatement site in the state that is inspected by a district pursuant to a rule adopted by that district, to be leak tested on a monthly basis. The bill would require the testing of a negative air machine to be conducted by an approved independent testing company, as defined, and would prohibit contractors from testing their own equipment. The bill would authorize an approved independent testing company that completes training by an approved training business, as defined, to certify a negative air machine if it meets certain industry standards. The bill would require the independent testing company to issue a certification to the abatement contractor that owns or operates a machine, and to affix a certification decal to the negative air machine.~~



~~The bill would require the state board to adopt regulations to implement the certification program, including a program for authorizing approved independent training companies to train independent testing companies. The bill would require each owner or operator to maintain a copy of a certification for every negative air machine on an asbestos abatement worksite, and would require an owner or operator to maintain testing records on each negative air machine owned and operated, and to make those records available to the district. The bill would require the district with jurisdiction over the area where an asbestos abatement project occurs to enforce the testing and certification requirements. The bill would, in addition to any other sanctions under existing law, subject any person who violates any of those requirements to a citation and an administrative fine in an amount determined by the district. By imposing additional duties on districts, this bill would impose a state-mandated local program.~~

~~The provisions of the bill would become operative on July 1, 2004.~~

~~(2) Existing law makes a violation of any provision of the nonvehicular air pollution control laws in the state, including any rule, regulation, permit, or order of the state board or a district, a misdemeanor.~~

~~By expanding the scope of a crime, this bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~

The people of the State of California do enact as follows:

~~SECTION 1. Article 8 (commencing with Section 41985) is~~

SECTION 1. Section 25370 is added to the Public Resources Code, to read:

25370. (a) This section shall be known, and may be cited, as the California on the Move-Petroleum Demand Reduction Act.

(b) The Legislature finds and declares all of the following:

(1) California's gasoline and diesel fuel prices have historically far exceeded the national average and, with the exception of Hawaii, have been the highest in the nation. This trend is expected to continue as, among other influences, a combination of limited supply, growing demand, and global conditions work to increase petroleum costs.

(2) California's forecasted demand for gasoline and diesel to fuel cars and trucks far exceeds California's refinery capacity.

(3) Unless the demand trend changes, California may continue to experience periodic onroad fuel spikes, which subjects the state's economy and business climate to instability as a result of those spikes.

(4) Cost-effective options exist today that can lessen the economic instability caused by high fuel prices and price spikes, reduce environmental degradation caused by increased petroleum fuel use, and reduce dependence on petroleum fuels by lowering overall onroad demand for gasoline and diesel, and increasing fuel diversity.

(5) Significantly reducing onroad petroleum fuel demand through the year 2020 is feasible.

(c) It is the intent of the Legislature to enact measures with the goal of reducing California's onroad petroleum demand by 15 percent below 2003 levels, by the year 2020.

(d) Not later than January 1, 2010, the commission and the State Air Resources Board shall jointly adopt and implement measures to achieve a petroleum demand reduction goal that would limit on-road petroleum fuel demand to a level not exceeding 2004 demand levels, and maintain or reduce demand levels for the years from 2010 to 2020, inclusive.

(e) The measures adopted and implemented by the commission and the State Air Resources Board pursuant to subdivision (d) shall not require the imposition by those agencies of any new or

1 additional taxes on motor vehicles, petroleum fuel, or vehicle miles
2 traveled.

3 (f) The measures adopted and implemented by the commission
4 and the State Air Resources Board pursuant to subdivision (d) may
5 include, but need not be limited to, public education about the
6 petroleum demand reduction benefits of all of the following:

7 (1) Proper vehicle maintenance.

8 (2) Proper tire inflation.

9 (3) Selecting low-rolling-resistance tires when replacing tires.

10 (4) Selecting fuel efficient and alternative fuel vehicles when
11 selecting vehicles.

12 (5) Planning ahead and combining vehicle trips or eliminating
13 trips when possible.

14 (6) Practicing fuel efficient driving habits.

15 (7) Reducing vehicle payload.

16 (8) Using public transit for longer trips and alternative means
17 of transportation such as walking and bicycling for shorter trips
18 around the neighborhood.

19 (g) The commission and the State Air Resources Board may
20 work with vehicle manufactures, representatives of the oil industry,
21 other states, and the United States Congress to increase awareness
22 of the increased petroleum dependence and economic burdens
23 imposed in California by lax federal fuel economy requirements
24 including, but not limited to, fuel price instability.

25 (h) The commission and the State Air Resources Board may
26 work with other states, Members of the United States Congress and
27 other federal agencies responsible for the administration and
28 implementation of federal laws governing vehicle fuel economy, to
29 assist in the development of new standards and regulations
30 designed to increase on-road light-duty vehicle fuel economy for
31 new vehicles.

32 SEC. 2. Not later than January 1, 2008, the State Energy
33 Resources Conservation and Development Commission and the
34 State Air Resources Board shall jointly prepare and submit to the
35 Legislature a report on all of the following:

36 (a) Progress achieved toward meeting the petroleum reduction
37 goals established pursuant to Section 25370 of the Public
38 Resources Code.

39 (b) Other efforts necessary to maintain or further reduce
40 California's petroleum fuel demand.

1 (c) Any state or federal statutory or administrative limitations
2 that impede the ability of the commission or the state board to
3 achieve the goals of Section 25370 of the Public Resources Code.
4 added to Chapter 3 of Part 4 of Division 26 of the Health and Safety
5 Code, to read:

6
7 Article 8.— Negative Air Machines
8

9 41985. The Legislature finds and declares all of the
10 following:

11 (a) Substantial medical and scientific evidence indicates that
12 human exposure to asbestos fibers significantly increases the risk
13 of contracting cancer and other debilitating or fatal diseases,
14 including, but not limited to, asbestosis. There is no known
15 threshold level of exposure at which adverse health effects are not
16 anticipated.

17 (b) Asbestos materials were commonly used in this state in
18 public and private schools, state and federal buildings, commercial
19 buildings, as well as in residential homes and apartments for
20 fireproofing, soundproofing, decoration, thermal insulation, and
21 other purposes. As an insulating material and fire retardant,
22 asbestos is commonly part of plumbing, heating, air conditioning
23 insulation, and plaster, carpet, tile and roof materials, masonry,
24 stonework, and concrete work.

25 (c) Removal or disturbances of materials containing asbestos
26 can result in the release of airborne asbestos fibers, especially if the
27 material is reducible to powder by hand pressure. This may result
28 in exposure of employees and the public to potentially dangerous
29 levels of asbestos.

30 (d) Negative air machines are used in asbestos abatement work
31 to maintain the desired negative pressure inside the abatement
32 enclosure, provide adequate air changes within the enclosure for
33 ventilation and worker safety, and to capture asbestos fibers drawn
34 from inside the abatement enclosure in a HEPA filter.

35 (e) For the protection of public health from carcinogenic air
36 emissions, it is vital to ensure that when asbestos abatement is
37 undertaken, that negative air machines are tested for leaks to
38 ensure that only clean, asbestos-free air is exhausted to the outside
39 or recirculated within the building.

1 ~~41986. For the purposes of this article, the following terms~~
2 ~~have the following meanings:~~

3 ~~(a) “Approved independent training business” means a~~
4 ~~company that has been approved by the state board to provide~~
5 ~~training to independent testing companies to test negative air~~
6 ~~machines pursuant to this article.~~

7 ~~(b) “Approved independent testing company” means a~~
8 ~~company that an approved independent training business certifies~~
9 ~~as having satisfactorily completed training for testing negative air~~
10 ~~machines, and is thus approved to perform negative air machine~~
11 ~~testing for the purposes of this article.~~

12 ~~(c) “HEPA” means a high-efficiency particulate air filter that~~
13 ~~is capable of trapping and retaining at least 99.97 percent of all~~
14 ~~monodispersed particles of 0.3 micrometer in diameter or larger.~~

15 ~~(d) “Negative air machine” means a machine or contrivance~~
16 ~~whose primary use is to remove airborne asbestos contaminants~~
17 ~~from residential or commercial abatement projects by passing~~
18 ~~asbestos-contaminated air from an isolated work area by means of~~
19 ~~negative air pressure to a HEPA filtration system.~~

20 ~~41987. (a) Each negative air machine at an asbestos~~
21 ~~abatement site that is inspected by a district pursuant to a rule~~
22 ~~adopted by that district, including, but not limited to, each air~~
23 ~~pressure differential unit, makeup air filter, and vacuum, shall be~~
24 ~~leak tested on a monthly basis.~~

25 ~~(b) (1) An independent testing company may certify that a~~
26 ~~negative air machine has successfully passed a leak test only if the~~
27 ~~results of that test meet or exceed the American National Standards~~
28 ~~Institute Z-9 standards adopted by the state board pursuant to~~
29 ~~paragraph (2) of subdivision (c).~~

30 ~~(2) Each leak test shall include a test of the wheel attachments,~~
31 ~~control panel, seam and rivets of the housing, and the HEPA filter.~~

32 ~~(c) The state board shall develop and adopt regulations to~~
33 ~~implement this article, including provisions that do all of the~~
34 ~~following:~~

35 ~~(1) Create an approval program for registering and approving~~
36 ~~independent training businesses and for those businesses to train~~
37 ~~independent testing companies to test negative air machines.~~

38 ~~(2) Adopt American National Standards Institute Z-9 standards~~
39 ~~for use by approved training businesses in training testing~~
40 ~~companies.~~

~~(3) Require approved independent training businesses to provide the state board with a list of approved independent testing companies, and require that list to be regularly updated.~~

~~(4) Create and maintain a database of approved independent training businesses and approved independent testing companies, and make that database accessible to the public.~~

~~(5) Create certification forms and decals to be used by approved independent testing companies in testing and certifying the test results of negative air machines pursuant to this article.~~

~~(6) Include, at the discretion of the state board, either or both of the following, in order to pay for the cost of the approval program:~~

~~(A) The imposition of a fee on training businesses seeking to become approved training businesses.~~

~~(B) A requirement that each approved independent testing company remit an annual fee to the state board for maintaining that approval status.~~

~~(d) Testing of a negative air machine shall be conducted by an approved independent testing company. Contractors may not test their own equipment. Upon completing a leak test on a negative air machine, the approved independent testing company shall certify the leak test.~~

~~(e) The approved independent testing company shall issue a certification to the abatement contractor that owns or operates the machine, and shall affix a decal indicating that certification to the negative air machine. The owner or operator of the machine shall maintain a copy of certification for every negative air machine used on a worksite.~~

~~(f) The owner or operator of each negative air machine shall maintain testing records on each negative air machine owned or operated, and shall make those records available for inspection by the district with jurisdiction over the area of the asbestos abatement project site where the negative air machine is used.~~

~~(g) Any unit that fails a leak test required by subdivision (a) shall be repaired, removed from any worksite, or replaced with a unit that successfully completes a leak test.~~

~~(h) The district with jurisdiction over the area where an asbestos abatement project occurs shall enforce the requirements of this section.~~

1 ~~SEC. 2.—Section 1 of this act shall become operative on July~~
2 ~~1, 2004.~~

3 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution for~~
5 ~~certain costs that may be incurred by a local agency or school~~
6 ~~district because in that regard this act creates a new crime or~~
7 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
8 ~~for a crime or infraction, within the meaning of Section 17556 of~~
9 ~~the Government Code, or changes the definition of a crime within~~
10 ~~the meaning of Section 6 of Article XIII B of the California~~
11 ~~Constitution.~~

12 ~~However, notwithstanding Section 17610 of the Government~~
13 ~~Code, if the Commission on State Mandates determines that this~~
14 ~~act contains other costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~
18 ~~claim for reimbursement does not exceed one million dollars~~
19 ~~(\$1,000,000), reimbursement shall be made from the State~~
20 ~~Mandates Claims Fund.~~

